

## REMARKS

In accordance with the foregoing, claims 1 and 23 are amended. No new matter is being presented, and approval and entry are respectfully requested. Claims 1, 2, 4-25, 29, and 30 are pending and under consideration. Reconsideration is respectfully requested.

### CLAIM REJECTION UNDER 35 U.S.C. §103

On page 2 of the Office Action, claims 1, 2, 4-24, 29 and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,487,600 to Lynch (hereinafter "Lynch") in view of U.S. Patent Publication No. 2002/0066026 to Yau et al. (hereinafter "Yau").

Independent claim 1 patentably distinguishes over the applied prior art at least by reciting "until the stop condition is satisfied, by any recipient user terminal that has received the distribution content, determining one or more next-destination user terminals to which the recipient user terminal distributes the distribution content will be distributed, the one or more destination user terminals being selected from user terminals in a buddy list of the recipient user terminal, in accordance with the distribution condition, and transmitting the distribution content from the recipient user terminal to the one or more next-destination terminal."

Claim 1 is amended herewith to clarify the claimed subject matter. Specifically, claim 1, as amended, explicitly states that "neither the distribution content nor the distribution condition specifying any destination to which the distribution content to be distributed." Not specifying the destination was implied in claim 1 by the names of the data provided by the source user terminal, that is "distribution content" and "distribution condition" which would not make a person of ordinary skill in the art to believe that the data includes information specifying the destination of the data (i.e., distribution content"). Additionally, absence in the data provided by the source terminal of information specifying destination is also implied by claim 1 recitations "determining [...] one or more primary destination user terminals to which the distribution content will be distributed" and "determining one or more destination user terminals to which the distribution content will be distributed." Therefore, Applicants respectfully submit that no new search is required by this amendment.

Further claim 1 is amended to recite "until the stop condition is satisfied, by any recipient user terminal that has received the distribution content ~~including any of the primary destination terminals~~, determining one or more next-destination user terminals." In view of the above comments about the inherency of the absence in the data provided by the source terminal of information specifying destination "including any of the primary destination terminals" was

intended to be read in connection with “any recipient user terminal”. In other words, the primary terminals are also recipient user terminals. It appears that the Office Action read “including any of the primary destination terminals” in connection with “distribution content” which is an incorrect interpretation. Thus, by removing the recitation read “including any of the primary destination terminals”, Applicants preclude an unintended interpretation. Applicants respectfully submit that no new search is required by this amendment.

The Office Action admits that Lynch fails to anticipate or render obvious the above-identified operation recited in claim 1, but relies on Yau (paragraphs [0021]-[0023]) to provide the missing features.

In the indicated paragraphs, Yau discloses

[0021] In FIGS. 1-2, each of the arrows 10-19, 20-29 denotes a network transaction in which one or more messages can be exchanged between nodes. The messages can include requests, data transfers, commands, instructions, metadata, and the like.

[0022] Referring to FIG. 1, initially all of the destination clients 54-60 are listening on the network for instructions output by the distribution-coordinating server 51. In one exemplary operational scenario, the data distribution process begins when the initial content-providing server 52 sends a message to the server 51 that indicates that the server 52 has data to be distributed to at least one of the four clients 54-60 (arrow 10). In response to the message, the server 51 makes a connection (arrow 11) to client 54 and sends a message indicating that there is data to retrieve from the content-providing server 52. The message can also include instructions commanding the client 54 to subsequently send the retrieved data to two of the clients 56, 60.

[0023] In response to the message from the distribution-coordinating server 51, the client 54 connects to the content-providing server 52 and requests the data (arrow 12). The requested data is then transferred from the server 52 to the client 54 (arrow 13). In accordance with the instructions from the coordinating server 51, the client 54 subsequently transfers the data to a second client 56 (arrow 14). After that transfer, a second transfer is initiated from the client 54 to the third client 60 (arrow 15).

Contrary to the assertions in the outstanding Office Action, the client 54 which is indicated as corresponding to a recipient user terminal, does NOT “[determine] one or more destination user terminals to which the distribution content will be distributed, the one or more destination user terminals being selected from user terminals in a buddy list of the recipient user terminal” as recited in claim 1 (prior to the current clarifying amendment). In Yau, the client 54

merely performs subsequent transfers to clients 56 and 60 in response to an explicit command received from the server 51 that is considered to correspond to the computer of claim 1.

At least because Lynch and Yau do not render obvious the above-identified feature recited in claim 1, claim 1 and claims 2, and claims 4-21 depending from claim 1 patentably distinguish over the prior art.

The outstanding Office Action groups many claims (e.g. 1, and 22-24) in a single "rejection" and, as a result, fails to address specific recitations of the claims. Applicants respectfully submit that the Office Action does not meet the standard set forth in 37 C.F.R. 1.104 (c)(2). The claim features and the previously filed Applicants arguments are rejected based on general allegations. MPEP 2143.03, which states "[all] words in a claim must be considered in judging the patentability of that claim against the prior art" likewise is not satisfied.

Independent claim 22 patentably distinguishes over the prior art at least by reciting

distribution-catenating means for iteratively activating second distribution means respectively located in each of the user terminals that have received the distribution content, each second distribution means transmitting the distribution content, from any recipient user terminal to which the distribution content has been sent, to some or all of one or more destination user terminals selected by the second distribution means from user terminals whose identifiers are correlatively stored with the identifier of the recipient terminal in a buddy list of the recipient user terminal, in accordance with the distribution condition, until the stop condition is satisfied.

The Office Action fails to make a *prima facie* case that the destination user terminals are selected from "user terminals whose identifiers are correlatively stored with the identifier of the recipient terminal in a buddy list of the recipient user terminal." Additionally claim 22 is amended herewith to explicitly state that this selection is performed by the second distribution means, that is, are not included in a command received, for example, from the distribution-catenating means.

Amended independent claim 23, patentably distinguish over Lynch and Yau at least by reciting

until the stop condition is satisfied, **by any recipient user terminal to which the distribution content has been sent**, determining one or more destination user terminals to which the informational content will be distributed, the one or more destination user terminals being selected from user terminals whose identifiers are correlatively stored with the identifier of the recipient terminal in a buddy list, in accordance with the distribution condition, and

transmitting the informational content. (Emphasis added.)

As argued above, in Yau, the client terminal 54 does not determine the client terminals 56 and 60 to which to send the information content, but receives a command to perform the subsequent transfers from the distribution-coordinating server 51.

Claim 23 is amended to simplify and clarify the claimed subject matter. No new features are added, and therefore no new search is required by the amendment of claim 23.

Independent claim 24 patentably distinguishes over the prior art at least by reciting:

second distribution means for transmitting the distribution content, by any recipient user terminal to which the distribution content has been sent, to some or all of one or more destination user terminals **selected by the recipient user terminal** from user terminals whose identifiers are correlatively stored with the identifier of the recipient terminal in the buddy list, in accordance with the distribution condition. (Emphasis added.)

In Yau, the client 54 does not determine the destinations of subsequent transfers as recited in claim 24 (i.e., client 54 does not select clients 56, and 60).

Independent claim 29 patentably distinguishes over the prior art at least by reciting

iteratively, until the stop condition is met,  
determining one or more destination terminals to which the distribution content to be distributed **by any recipient terminal who has received the distribution content**. (Emphasis added.)

The cited portions of Lynch and Lynch and Yau in combination do not disclose or render obvious the above-identified features recited in claim 29.

Independent claim 30 is amended herewith to clarify the claimed subject matter.

Amended independent claim 30 patentably distinguishes over the prior art at least by reciting:

distributing the distribution content from user terminals that received the distribution content to one or more user terminals identified in buddy lists of the respective user terminals until a stop distribution condition provided by the first terminal is met, wherein any user terminal that has received distribution content determines the one or more user terminals to which to distribute the content if the stop distribution condition has not been met.

None of the portions indicated in Lynch and Lynch and Yau in combination, disclose or render obvious "any user terminal that has received distribution content determines the one or more user terminals to which to distribute the content if the stop distribution condition has not been met."

## CONCLUSION

Applicants respectfully request entry of this amendment under 37 CFR §1.116 because the amendments of claims 1, 22, 23, and 30 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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